

Zoning Board of Adjustments



March 19, 2018

Regular Business Meeting



Wylie Zoning Board of Adjustment

NOTICE OF MEETING

Regular Meeting Agenda Monday, March 19, 2018 – 6:30 p.m. Wylie Municipal Complex – Council Chambers 300 Country Club Road, Building #100

Linda Jourdan Chair
Jason Potts Vice Chair
Robert Holcomb Board Member
Andres Gonzalez Board Member
Kevin Finnell Board Member
Robert Reynolds Alternate Board Member
Kevin Lanier Alternate Board Member

Renae' Ollie Planning Director
Jasen Haskins Sr. Planner
Kevin Molina Planner
Mary Bradley Administrative Assistant

In accordance with Section 551.042 of the Texas Government Code, this agenda has been posted at the Wylie Municipal Complex, distributed to the appropriate news media, and posted on the City website: www.wylietexas.gov within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Wylie website: www.wylietexas.gov.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

The Wylie Municipal Complex is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972.516.6020.

Hearing impaired devices are available from the City Secretary prior to each meeting.

CALL TO ORDER

Announce the presence of a Quorum.

CONSENT AGENDA

1. Consider and act upon approval of the Minutes for the February 19, 2018 Meeting.

REGULAR AGENDA

Public Hearing

1. Hold a public hearing to consider and act upon a request by **Saeed Kheradmandnia** for a Variance to Section 4.3.D.4, 4.3.E.1, 4.3.F.2 & 5.1 of the Development Standards for Garage bays facing the street, non-conforming landscaping, architectural offsets and

parking. Property located 405 Williams Street, located southwest of State Highway 78 and Williams Street. **ZBA 2018-03**

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this 16th day of March, 2018 at 5:00 p.m. as required by law in accordance with Section 551.042 of the Texas Government Code and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of Wylie website: www.wylietexas.gov.

Stephanie Storm, City Secretary

Date Notice Removed

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Wylie Zoning Board of Adjustment

Minutes
Zoning Board of Adjustment
Monday, February 19, 2018 – 6:30 pm
Wylie Municipal Complex – Council Chambers
300 Country Club Road, Building 100

CALL TO ORDER

The Zoning Board of Adjustment was called to order at 6:30 PM and a quorum was present. Board Members present: Chair Linda Jourdan, Vice Chair Jason Potts, Board Member Andre Gonzalez, Board Member Robert Holcomb and Board Member Kevin Finnell. Board Member Kevin Lanier was present, but did not participate.

Staff members present were: Renae' Ollie, Director of Development Services, Jasen Haskins, Sr Planner, Kevin Molina, Planner, and Mary Bradley, Administrative Assistant.

CONSENT ITEMS

1. Consider and act upon approval of the Minutes of the October 30, 2017 Meeting.

A motion was made by Board Member Holcomb and seconded by Vice Chair Potts, to approve the Minutes of the October 30, 2017 Meeting as submitted. Motion carried 5 – 0.

PUBLIC HEARINGS

Item 1 – ZBA 2018-01

Hold a public hearing to consider and act upon a request by **Noel Torres** for a Variance to Section 4.2.A.3 of the Zoning Ordinance regarding building setbacks, property located at 2001 Alanis Drive, being Tract 18 in the EC Davidson Subdivision. **ZBA 2018-01**

Staff Comments

Mr. Haskins stated that the applicant is requesting a variance to the side setbacks to five feet from the required ten feet in order to place a 3,500 square foot commercial structure on the property.

The property is on a corner lot and is required to have a 25 foot setback on both street frontages. The unique circumstances for this property is that while currently zoned Light Industrial, the property was zoned as single family according to the 1991 Zoning Map. The property is only 1/3 of an acres, which is small for a commercial property.

Public comment forms were mailed to sixteen property owners within 200 feet, and one response was received in favor of the request.

Board Discussion

Board Members questioned the tree line to the west. Mr. Bryan Rogers, Better Design Resources, P.O. Box 1454, Wylie, Texas, representative for the applicant, stated that the tree line will be improved, and no trees will be removed. The building will be used as an office/warehouse light industrial use.

Board Members questioned if the development will encroach into the property to the north. Mr. Rogers stated that the development will not encroach into the property to the north.

Public Comments

Chair Jourdan opened the Public Hearing.

Mr. Noel Torres, 2806 Cedar Brook, Garland, Texas, applicant for the subject property, approached the Board Members, stating that the use is for Tile Company. A small forklift inside the warehouse will be used to move merchandise from a half ton truck.

Chair Jourdan closed the Public Hearing.

Board Action

A motion was made by Vice Chair Potts, and seconded by Board Member Gonzalez to Grant the variance to Section 4.2.A.3 of the Zoning Ordinance, to allow five foot side yard setback, property located at 2001 Alanis Drive, being Tract 18 of the EC Davidson Survey. Motion carried 5 – 0.

Item 2 – ZBA 2018-02

Hold a public hearing to consider and act upon a request from **Steve Gullickson** for a variance to Section 4.2.8 of PD 2005-24, to change the

side setback from 10' to 7' to allow for the placement of an attached unenclosed carport on a property located at 1213 Braddock Way, Lot 4 Block A of the Braddock Place Phase I addition. **ZBA 2018-02**

Staff Presentation

Mr. Molina stated that the property is located at 1213 Braddock Way and is currently zoned under Planned Development 2005-24.

The applicant is requesting a variance to the development standards side setbacks to be reduced from 10 feet to seven feet. This would allow the applicant to construct an attached unenclosed carport. The side yard setbacks are based on the frontage of the lots. The property is 100 feet wide, therefore the side yard setback is 10 feet.

The applicant has received approval from the homeowners association for this addition.

Thirteen notices were mailed out to property owners within 200 feet, and one response was received in favor of the request.

Board Discussion

The Board Members questioned the purpose of the carport. Mr. Steve Gullickson, 1213 Braddock Way, applicant for the subject property, responded that his pickup truck does not fit inside the garages. The house includes three-car garage, and none of them allow room to park his truck.

The roof materials will match the existing roof materials on the residential structure. There is an existing power box, which determines the location of the carport.

Public Comments

Chair Jourdan opened the Public Hearing. With no one approaching the Board Members, Chair Jourdan closed the Public Hearing.

Board Action

A motion was made by Board Member Holcomb, and seconded by Board Member Finnell, to approve the variance to Section 4.2.8 of PD 2005-24, to allow a seven foot side yard setback for the placement of an attached unenclosed carport on a property located at 1213 Braddock Way, Lot Block A of the Braddock Place Phase I Addition. Motion carried 5 – 0.

ADJOURNMENT

A motion was made by Board Member Gonzalez, and seconded by Board Member Finnell to adjourn the meeting at 6:52PM. All Board Members were in consensus.

Linda Jourdan, Chair

ATTEST:

Mary Bradley, Administrative Assistant



Wylie Zoning Board of Adjustment

AGENDA REPORT

Meeting Date:	<u>March 19, 2018</u>	Item Number:	<u>1</u>
Department:	<u>Planning</u>	Case Number:	<u>2018-03</u>
Prepared By:	<u>Kevin Molina</u>	Project Location:	<u>405 Williams Street</u>
Date Prepared:	<u>March 14, 2018</u>	Subdivision Name:	<u>Samuel B Shelby Survey</u>
		Exhibits:	<u>Location Map, Site Layout, Notification List and Map with Responses</u>

Subject

Hold a public hearing to consider and act upon a request from **Saeed Kheradmandnia** for a variance to Section 4.3.D.4, 4.3.E.1, 4.3.F.2 & 5.1 of the Development Standards for garage bays facing the street, non-conforming landscaping, architectural offsets and parking on a property located southwest of State Highway 78 and Williams street at 405 Williams Street. **ZBA 2018-03**

Discussion

Applicant: Saeed Kheradmandnia

Owner: 78 & 544 Investment LLC

The subject property is located at 405 Williams Street and is currently zoned in the Commercial Corridor District.

The applicant is requesting multiple variances to the development standards to allow for the existing non-conforming site to be adapted to another intended use. The developer's proposal is to convert the existing car wash into an auto repair shop. An auto repair shop is an allowed use within the Commercial Corridor Zoning District.

The applicant is requesting to allow for the non-conforming site to remain relatively unchanged in building placement, coverage and site design. The change in use from a carwash to an auto repair business will nullify the grandfathered legal non-confirming status of the site.

There are four variances that the applicant is requesting:

1. A variance to allow for the garage bays to face Williams Street. The existing car wash structure is oriented facing Williams Street. The applicant's proposal is to reuse the existing structure and add garage doors.
2. A variance to the landscaping requirements. The current site layout is non-conforming and does not meet the 20% landscaping requirement or the 10' front landscape buffer requirement. The applicant is requesting for the existing pavement and open space to remain as is.
3. A variance to the architectural building offsets. The applicant is requesting for a variance to the enhanced entrance requirements of the development standards. The applicant is planning to brick the entire building and add stone on the front façade and is not planning on increasing the square footage of the existing non-conforming structure.
4. A variance to the parking requirements for the auto repair use. 5 parking spaces are required for this development. The applicant is only capable of providing 4 parking spaces. The applicant is requesting for the 3 spaces in the garage bays to be taken into consideration in lieu of the one missing parking space.

This development will require site plan approval and platting of the land prior to approval of building permits and renovation.

Public Comment forms were mailed to 10 property owners within 200 feet of this request, as required by State Law. No comment forms were received in opposition or in favor at the time of posting.

The Board shall not grant a variance to the development code which:

- (1) Permits a land use not allowed in the zoning district in which the property is located; or
- (2) Is in the public right-of-way or on public property; or
- (3) Alters any definition of the development code; or
- (4) Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the development code; or
- (5) Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to the development code; or
- (6) Is based exclusively on findings of personal or financial hardship.

In order to grant a variance to the development code the Board shall find that all the following have been satisfied:

- (1) That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;
- (2) That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the development code;
- (3) That due to such unique physical circumstances or conditions, the strict application of the development code would create a demonstrated hardship;
- (4) That the demonstrable hardship is not self-imposed;
- (5) That the variance if granted will not adversely affect the proposed development or use of adjacent property or neighborhood;
- (6) That the variance, if granted will not change the character of the zoning district in which the property is located;
- (7) That the variance, if granted is in keeping with the intent of the development code; and
- (8) That the variance, if granted will not adversely affect the health, safety or welfare of the citizens of Wylie.

Approved By

Department Director

Initial
RO

Date
03-16-18

No changes to BUILDING size or siteplan.

PROJECT SITE SUMMARY

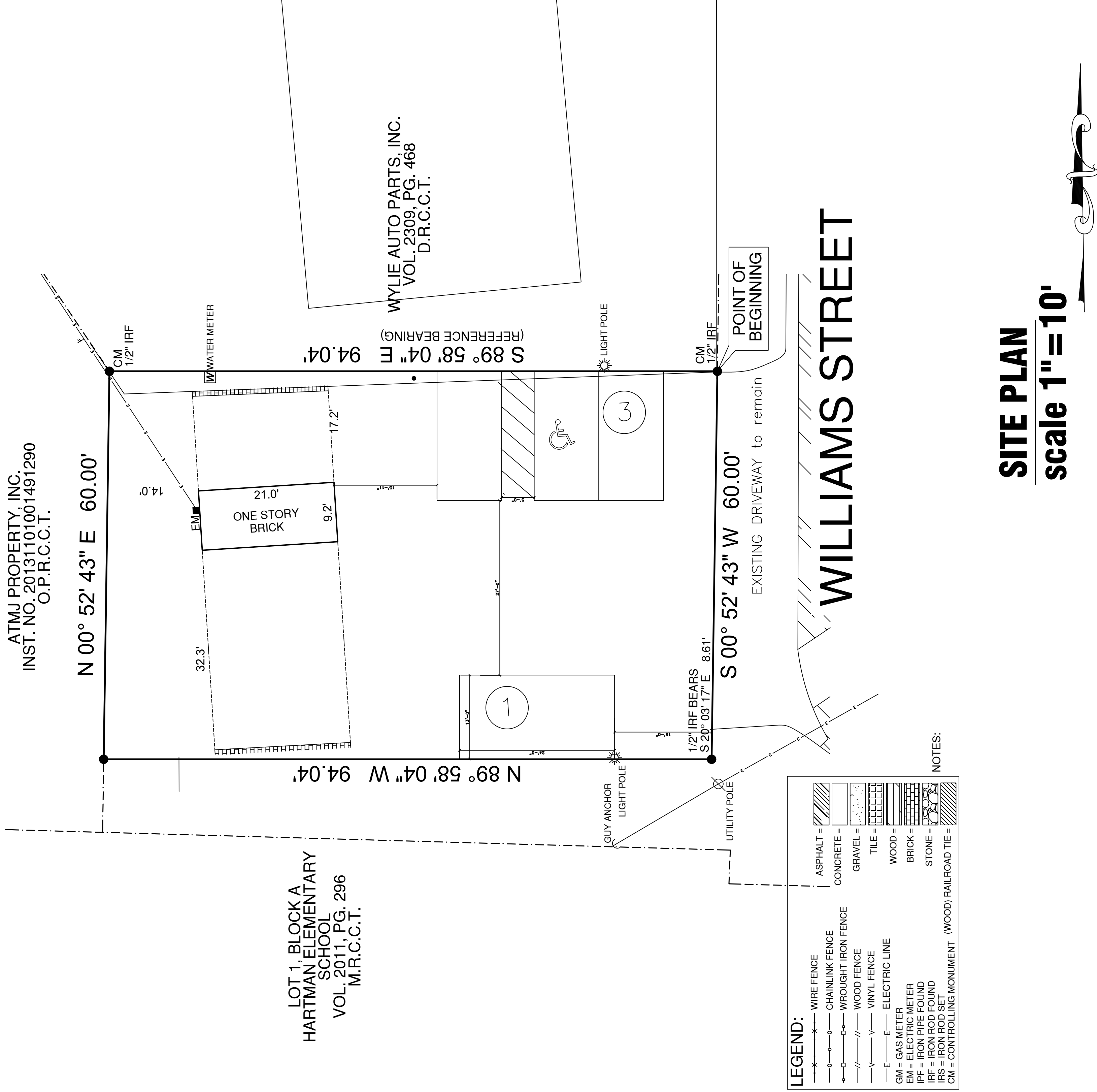
GENERAL SITE DATA	
ZONING	GR
LAND USE	TIRE sales
LOT AREA	0.13 ACRES
BUILDING FOOTPRINT	1375 SF
TOTAL BUILDING AREA	1375 SF
BUILDING HEIGHT	1 STORY
BUILDING HEIGHT	15 FT
LOT COVERAGE	24.3%
PARKING	
PARKING RATIO	1 SPACES 300sf
REQUIRED PARKING	5 SPACES
PROVIDED PARKING	1
HANDICAP PARKING	1 SPACES
HANDICAP PARKING	PROVIDED

BUILDING CODE INFORMATION	
APPLICABLE CODES	2015 INTERNATIONAL BUILDING CODE 2015 INTERNATIONAL PLUMBING CODE 2015 INTERNATIONAL MECHANICAL CODE 2015 INTERNATIONAL FIRE CODE 2015 INTERNATIONAL ENERGY CONSERVATION CODE 2015 INTERNATIONAL NATIONAL ELECTRIC CODE
CONSTRUCTION TYPE	TI-4B Occupancy - 5-1
RESTROOMS	1 TOILETS, 1 LAVATORY-HC ACCESSIBLE

GENERAL NOTES

1. Buildings 6,000 square feet or greater shall be 100% fire sprinkled.
2. Fire lines shall be designed and constructed per city standards.
3. Hand-painted parking areas shall be designed and provided per city standards and shall comply with requirements of the current, adopted International Building Code.
4. Four-foot wide sidewalks shall be provided 2.5 feet off of the property line within the rights-of-way, unless a sidewalk easement is provided for a bordering sidewalk. An alternate design may be approved by the City Engineer for barrier-free ramps, per city standards, shall be provided on sidewalks at all curb crossings.
5. Mechanical units, dumpsters, and trash compactors shall be screened in accordance with the Zoning Ordinance.
6. All signage contingent upon approval by Building Inspection Department.
7. Approval of the site plan is not final until all engineering plans are approved.
8. Open storage, where permitted, shall be screened in accordance with the Zoning Ordinance.
9. Building facades within this development shall be compatible, as provided in the Retail Corner Design Guidelines.
10. Outdoor lighting shall comply with illumination standards within Section 6-466 of the Code of Ordinances.
11. Please contact the Building Inspection Department to determine the type of construction and occupancy group.
12. All electrical transmission, distribution, and service lines must be underground where required.
13. Uses shall conform in operation, location, and construction to the following performance standards: noise, vibration, air quality, odor, dust, glare, and other performance standards. Other odorous matter, fire or explosive material, toxic and noxious matter, vibration, and/or other performance standards.

No changes to BUILDING size or siteplan.



BEARINGS ARE BASED ON THE RECORDED DEED.

scale is based on 24x36 paper

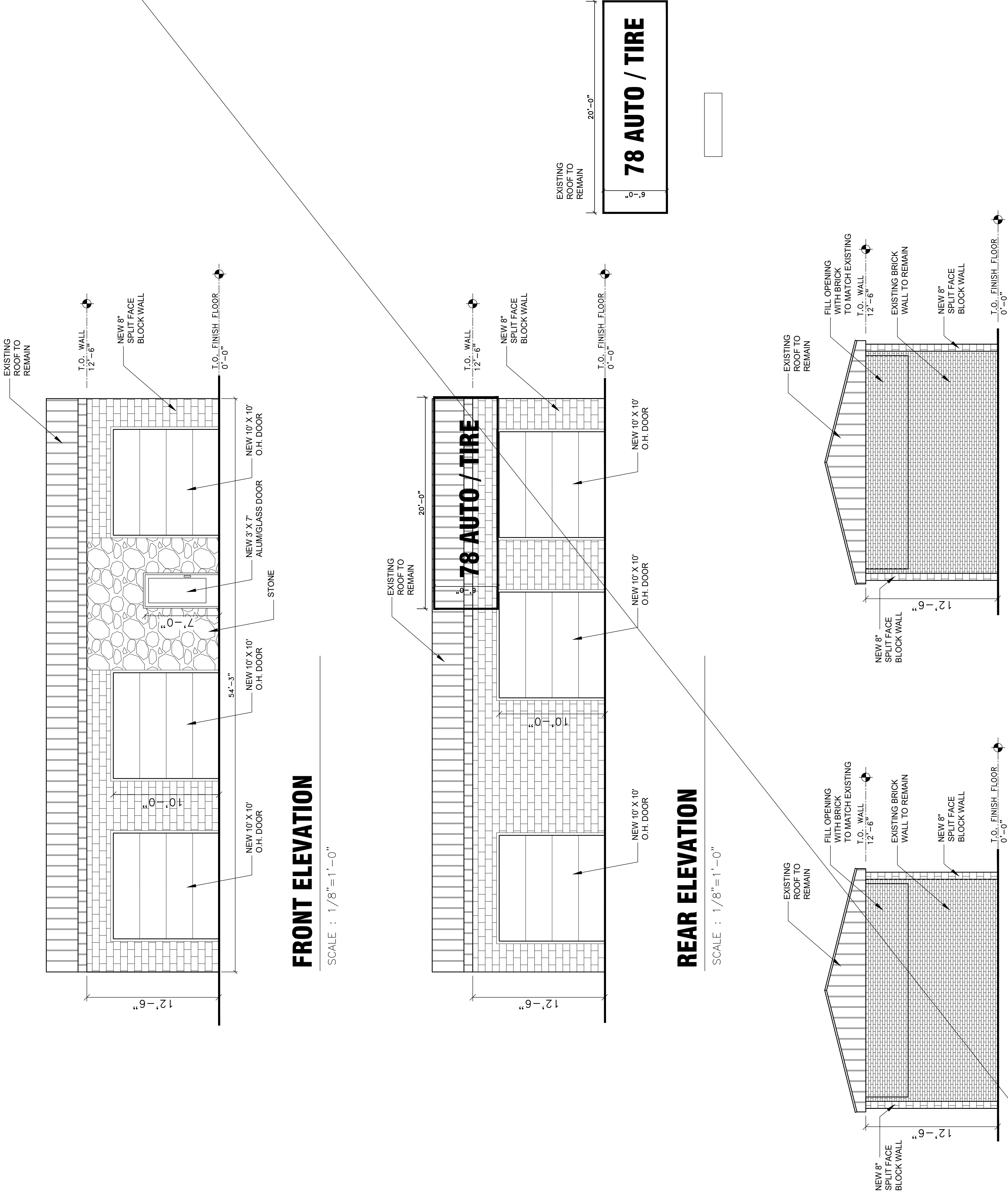
HIGHLAND PARK DESIGN
817 703-2041
FIRM NUMBER 19469

Restroom and garage door addition
405 WILLIAMS ST
WYLIE TX 75043

Project Number: 2212
Drawn By: sk
Checked By: sk
Date Issued: 1/21/18

SHEET NUMBER

A-3



RIGHT SIDE ELEVATION

SCALE : 1/8"=1'-0"

LEFT SIDE ELEVATION

SCALE : 1/8"=1'-0"

REAR ELEVATION

SCALE : 1/8"=1'-0"

FRONT ELEVATION

SCALE : 1/8"=1'-0"

78 AUTO / TIRE

scale is based on 24x36 paper

PROPERTY ID	XREF/GEO ID	OWNER NAME	DOING BUSINESS AS	OWNER ADDRESS	CITY	STATE	ZIPCODE	SUBDIVISION NUMBER	SUBDIVISION NAME	BLOCK	TRACT/LOT	LEGAL DESCRIPTION	SITE ADDRESS
	432133	R-6820-000-0200-1	WYLIE AUTO PARTS INC			TX	75090-2184	A0820	SAMUEL B SHELBY SURVEY		20	ABS A0820 SAMUEL B SHELBY SURVEY, TRACT 20, .45 ACRES	403 S STATE HWY 78 WYLIE, TX 75098
	432142	R-6820-000-0210-1	SUNDAY SKY PROPERTIES INC			TX	75024-3855	A0820	SAMUEL B SHELBY SURVEY		21	ABS A0820 SAMUEL B SHELBY SURVEY, TRACT 21, .13 ACRES	405 WILLIAMS WYLIE, TX 75098
	432151	R-6820-000-0220-1	ATMJ PROPERTY INC			TX	75098-3946	A0820	SAMUEL B SHELBY SURVEY		22	ABS A0820 SAMUEL B SHELBY SURVEY, TRACT 22, .4625 ACRES	405 S STATE HWY 78 WYLIE, TX 75098
	1567405	R-6820-000-0390-1	WYLIE CYP P PROPERTIES LTD			TX	75098-0307	A0820	SAMUEL B SHELBY SURVEY		39	ABS A0820 SAMUEL B SHELBY SURVEY, TRACT 39, 1.1961 ACRES	303 S STATE HWY 78 WYLIE, TX 75098
	1960321	R-2384-000-0040-1	GREAVES MELISSA GAYE & TERRY LANE			TX	75087-2884	S2384	MOUSSA SWITZER ADDITION (CWY)		4A	MOUSSA SWITZER ADDITION (CWY), LOT 4A	409 S STATE HWY 78 WYLIE, TX 75098
	1960369	R-6820-000-0500-1	GREAVES MELISSA GAYE & TERRY LANE			TX	75087-2884	A0820	SAMUEL B SHELBY SURVEY		50	ABS A0820 SAMUEL B SHELBY SURVEY, TRACT 50, .0175 ACRES	WYLIE, TX 75098
	1960370	R-2384-000-0048-1	ATMJ PROPERTY INC			TX	75098-3946	S2384	MOUSSA SWITZER ADDITION (CWY)		4B	MOUSSA SWITZER ADDITION (CWY), LOT 4B	STATE HWY 78 S TX
	2518587	R-8109-001-0010-1	AMERICAN NATIONAL BANK			TX	75160-9003	S8109	AMERICAN NATIONAL BANK ADDITION (CWY)	1	1	AMERICAN NATIONAL BANK ADDITION (CWY), BLK 1, LOT 1; REPLAT	301 S STATE HWY 78 WYLIE, TX 75098
	2522809	R-8109-001-0020-1	MASON HARRISON JARRARD ENTERPRISES LP			TX	76201-1889	S8109	AMERICAN NATIONAL BANK ADDITION (CWY)	1	2	AMERICAN NATIONAL BANK ADDITION (CWY), BLK 1, LOT 2; REPLAT	501 WILLIAMS ST WYLIE, TX 75098
	2674447	R-10147-00A-0010-1	WYLIE ISD			TX	75098-4175	S10147	HARTMAN ELEMENTARY SCHOOL (CWY)	A	1	HARTMAN ELEMENTARY SCHOOL (CWY), BLK A, LOT 1	510 S BIRMINGHAM ST WYLIE, TX 75098